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Held, that such service does not violate the federal Constitution. *Ward Lumber Co. v. Henderson-White Mfg. Co.*, 59 S. E. 476 (Va.).

For a discussion of the principles involved, see 21 HARV. L. REV. 453.

CONSTITUTIONAL LAW — LOCAL SELF-GOVERNMENT — STATE COMMISSIONER FOR THE ENFORCEMENT OF LIQUOR LAWS. — A statute authorized the appointment of a commissioner who should have power to exercise all the powers of the prosecuting attorneys in their respective counties in the enforcement of the state liquor laws. *Held*, that the functions essentially connected with officers named by the constitution can only be discharged by constitutional officers, and therefore this statute is unconstitutional. *Ex parte Corliss*, 114 N. W. 962 (N. Dak.).

For a discussion of the principles involved, see 15 HARV. L. REV. 848; 13 *ibid.* 441.

CONSTITUTIONAL LAW — POWER OF THE JUDICIARY — FEDERAL COURT ENJOINING STATE ATTORNEY-GENERAL FROM ENFORCING A STATE STATUTE. — The legislature of Minnesota fixed rates for the railroads of the state, and prescribed heavy penalties for each deviation therefrom. The federal circuit court enjoined the state attorney-general from proceeding under these statutes pending the decision of their constitutionality. He disobeyed the injunction, and the circuit court committed him for contempt. Alleging that, because of the Eleventh Amendment, the court was without jurisdiction, he instituted *habeas corpus* proceedings in the Supreme Court. *Held*, that, irrespective of the sufficiency of the rates, the statutes are unconstitutional, and the court has jurisdiction to enjoin the attorney-general from enforcing them. *Ex parte Young*, U. S. Sup. Ct., March 23, 1908. See NOTES, p. 527.

CONTRACTS — CONSTRUCTION — EXCEPTION OF HOLIDAYS FROM TIME ALLOWED BY CHARTER-PARTY FOR LOADING VESSEL. — By the terms of a charter-party the plaintiffs were to load the defendant's vessel "in seven weather working days (Sundays and holidays excepted)." For every day saved the plaintiffs were to be paid despatch money; for every day in excess they were to pay demurrage. They loaded the vessel in seven days, the work being continued through two holidays, and sued for despatch money for the two days saved. *Held*, that the plaintiffs can recover. *Nelson & Sons, Ltd., v. Nelson Line, Liverpool, Ltd.*, 24 T. L. R. 315 (Eng., H. of L., Feb. 6, 1908).

This decision reverses that of the lower court, criticized in 21 HARV. L. REV. 217.

CORPORATIONS — ACQUISITION OF MEMBERSHIP — ASSESSMENTS FOR PRELIMINARY EXPENSES. — The plaintiff, receiver for a corporation, sued the defendant on an assessment. *Held*, that so far as the assessment is to pay expenses of organization the defendant is liable, even if the entire capital has not been subscribed. *Myers v. Sturges*, 123 N. Y. App. Div. 470.

It is undoubted law that in the absence of special provisions a corporation cannot recover the full amount on subscriptions to its stock unless the entire capital has been subscribed. *Peoria and Rock Island Ry. v. Preston*, 35 Ia. 115. In establishing a different rule for assessments to cover the preliminary expenses, the court relied on an earlier case which reached the same result, but in that case special provisions in the charter of the corporation were particularly noticed and seem sufficient to distinguish it from the present case. *Salem Mill Dam Corp. v. Ropes*, 6 Pick. (Mass.) 23; see also *Anvil Mining Co. v. Sherman*, 74 Wis. 226. In principle, the reasons upon which the general rule is based seem equally pertinent here. If a subscriber does not contract to pay the full price until all the stock is taken, it appears unwarranted to assume that he agrees to become liable for the preliminary expenses at an earlier time. The question turns solely on the proper construction of his promise, and he no more contemplates becoming liable for one kind of expenditure than for another.